

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

GENZYME CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: JFM-09-cv-1750
)	
SANDOZ INC.)	
)	
Defendant.)	
)	
)	

**GENZYME CORPORATION'S MOTION TO DISMISS COUNTS III AND IV OF
SANDOZ INC.'S COUNTERCLAIM FOR LACK OF SUBJECT-MATTER
JURISDICTION UNDER RULE 12(b)(1)**

Genzyme Corporation, through its undersigned counsel, moves this Court to dismiss Counts III and IV of Sandoz Inc.'s Counterclaim seeking Declaratory Judgment of Noninfringement and Invalidity of United States Patent No. 6,733,780. For the reasons set forth in the accompanying memorandum, Counts III and IV of Sandoz Inc.'s Counterclaim should be dismissed under Federal Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction.

Respectfully submitted,

KRAMON & GRAHAM P.A.

Dated: November 23, 2009

/s/ George E. Brown
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